

**REMARKS**

Reconsideration and allowance of the present application are respectfully requested. Claims 1-22 remain pending in the application. By foregoing amendment, claims 1, 5, 10-12, 16, 21 and 22 are amended.

In numbered paragraph 2, page 2 of the Office Action, independent claims 1, 5, 10-12, 16, 21 and 22, along with all dependent claims, are rejected as being anticipated by U.S. Patent 6,112,240 (Pogue et al.). This rejection is respectfully traversed.

Applicants have disclosed a system for monitoring a transaction executing on a network computer, wherein the data from the monitoring process can be sent to a computer other than the browser on which the transaction is executing and other than the computer from which the transaction was downloaded (e.g., paragraph [0005]). As exemplified in Figs. 1 and 2, a method and system are disclosed for monitoring a transaction executing on a network computer. An applet can be linked within a web page on a web server to at least one monitoring code file (e.g., paragraph [0014]). A web page can be sent from the web server to a client browser within a network (e.g., paragraph [0020]). The linked applet can be executed within the web page on the client browser, invoking the monitoring code file to monitor a transaction within the linked applet on the client browser (e.g., paragraph [0021]).

In monitoring the transaction, data is sent to a measurement computer, wherein the measurement computer is a computer other than the web server. The transaction being monitored can include a transaction execution time (e.g., paragraphs [0004] and [0016]). By such a method and system, web pages having

code for executing a transaction can be identified and updated with the addition of monitoring instructions.

The foregoing features are broadly encompassed by claim 1, which recites, among other features, a system for monitoring a transaction executing on a network computer, comprising: a read unit accessing a web page from a web server; a reconfiguration computer downloading the web page from the web server; an update unit updating the web page by inserting instructions in the web page, wherein said instructions comprise a function for monitoring the transaction, including a transaction execution time; and a storage unit storing the updated web page on the web server.

Pogue et al. discloses a method and apparatus for obtaining client information relating to usage of a World Wide Web (WWW) site web page (Pogue et al. at abstract). A user operating a client computer accesses a WWW site on a remote server (Col. 4, lines 7 - 9). Pages downloaded to the client computer browser from the WWW site include a tracker tag (Col. 2, lines 14 - 16). Upon opening one of the downloaded web pages, the client browser reads the tracker tag, which causes client information to be sent to a tracker program in the form of a tracker message (Col. 2, lines 18 - 25; Col. 4, lines 30 - 38). The client information can include the time of each web page access, the type of client browser, and time between accesses of the web page (Col. 5, lines 60 - 67).

The tracker program resides on a tracker computer, which can be the client computer or a remote computer (abstract; 2, lines 16 - 18). The tracker program receives the client information and stores it in a client information database on the tracker computer for subsequent analysis (Col. 2, lines 22 - 25; Col. 3, lines 11 - 14;

Col. 4, lines 45 - 47; Col. 5, lines 33 - 40). However, the Pogue et al. patent does not teach or suggest an update unit updating the web page by inserting instructions in the web page, wherein the instructions comprise a function for monitoring the transaction, including a transaction execution time, as recited in claim 1. It is respectfully submitted that the Pogue et al. patent fails to disclose each of the features recited in claim 1; and, therefore, the Pogue et al. patent cannot reasonably be said to anticipate Applicants' claimed invention. Accordingly, claim 1 is patentably distinguishable over the Pogue et al. patent. As such, claim 1 is allowable. Independent claims 5, 10-12, 16, 21 and 22 similarly recite monitoring of a transaction, including a transaction execution time, and are also allowable.

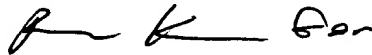
On paragraph 10 of the Office Action, in rejecting claims 8 and 19, the Examiner relies on col. 5, lines 60-67 of the Pogue et al. patent, which discloses that "information may be obtained by conventional means, such as the type of browser 302 accessing the web page, the type of computer accessing the web page, and the time between accesses of the web page." Notwithstanding the Examiner's assertions, the time between accesses of the web page as disclosed by the Pogue et al. patent does not determine a transaction execution time. Accordingly, the Pogue et al. patent does not teach or suggest at least a transaction start and stop time as recited in claims 8 and 19.

For similar reasons, independent claims 5, 10-12, 16, 21 and 22 are patentably distinguishable over the Pogue et al. patent. The remaining claims variously depend from independent claims 1, 5, 12 and 16 and recite additional advantageous features which further distinguish over the document relied upon by the Examiner. As such, the present application is in condition for allowance.

All rejections raised in the Office Action having been addressed, it is respectfully submitted that the application is in condition for allowance and a Notice of Allowance is respectfully solicited.

Respectfully submitted,

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